

106TH CONGRESS  
2D SESSION

# S. 3071

To provide for the appointment of additional Federal circuit and district judges, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2000

Mr. HATCH (for himself, Mr. LEAHY, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. INOUE, Mr. KERREY, Mrs. MURRAY, Mr. REID, Mr. ROBB, and Mr. SCHUMER) (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To provide for the appointment of additional Federal circuit and district judges, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Judgeship Act  
5   of 2000”.

### 6   **SEC. 2. CIRCUIT JUDGES FOR THE CIRCUIT COURT OF AP-**

### 7                   **PEALS.**

8       (a) IN GENERAL.—The President shall appoint, by  
9   and with the advice and consent of the Senate—

1           (1) 2 additional circuit judges for the second  
2       circuit court of appeals;

3           (2) 2 additional circuit judges for the sixth cir-  
4       cuit court of appeals; and

5           (3) 2 additional circuit judges for the ninth cir-  
6       cuit court of appeals.

7       (b) TEMPORARY JUDGEShips.—The President shall  
8   appoint, by and with the advice and consent of the  
9   Senate—

10           (1) 1 additional circuit judge for the first cir-  
11       cuit court of appeals; and

12           (2) 3 additional circuit judges for the ninth cir-  
13       cuit court of appeals.

14   For the first circuit court of appeals, the first vacancy  
15   arising on the court 7 years or more after a judge is first  
16   confirmed to fill the temporary circuit judgeship created  
17   in that circuit by this subsection shall not be filled. For  
18   the ninth circuit court of appeals, the first 3 vacancies  
19   arising on the court 7 years or more after judges are first  
20   confirmed to fill all 3 temporary circuit judgeships created  
21   in that circuit by this subsection shall not be filled.

22       (c) TABLES.—In order that the table contained in  
23   section 44 of title 28, United States Code, will, with re-  
24   spect to each judicial circuit, reflect the changes in the  
25   total number of permanent circuit judgeships authorized

1 as a result of subsection (a) of this section, such table  
 2 is amended to read as follows:

<b>“Circuits</b>	<b>Number of Judges</b>
District of Columbia .....	12
First .....	6
Second .....	15
Third .....	14
Fourth .....	15
Fifth .....	17
Sixth .....	18
Seventh .....	11
Eighth .....	11
Ninth .....	30
Tenth .....	12
Eleventh .....	12
Federal .....	12.”.

3 **SEC. 3. DISTRICT JUDGES FOR THE DISTRICT COURTS.**

4 (a) IN GENERAL.—The President shall appoint, by  
 5 and with the advice and consent of the Senate—

6 (1) 1 additional district judge for the northern  
 7 district of Alabama;

8 (2) 1 additional district judge for the middle  
 9 district of Alabama;

10 (3) 1 additional district judge for the district of  
 11 Arizona;

12 (4) 2 additional district judges for the eastern  
 13 district of California;

14 (5) 1 additional judge for the northern district  
 15 of California;

16 (6) 5 additional district judges for the southern  
 17 district of California;

18 (7) 1 additional district judge for the district of  
 19 Colorado;

1           (8) 1 additional district judge for the middle  
2       district of Florida;

3           (9) 2 additional district judges for the southern  
4       district of Florida;

5           (10) 2 additional district judges for the district  
6       of New Mexico;

7           (11) 3 additional district judges for the eastern  
8       district of New York;

9           (12) 2 additional district judges for the western  
10      district of North Carolina;

11          (13) 1 additional district judge for the district  
12      of South Carolina;

13          (14) 2 additional district judges for the south-  
14      ern district of Texas;

15          (15) 3 additional district judges for the western  
16      district of Texas; and

17          (16) 2 additional district judges for the eastern  
18      district of Virginia.

19      (b) TEMPORARY JUDGEShips.—The President shall  
20      appoint, by and with the advice and consent of the  
21      Senate—

22          (1) 1 additional district judge for the northern  
23      district of Alabama;

24          (2) 1 additional district judge for the southern  
25      district of Alabama;

1           (3) 4 additional district judges for the district  
2 of Arizona;

3           (4) 2 additional district judges for the central  
4 district of California;

5           (5) 3 additional district judges for the southern  
6 district of California;

7           (6) 1 additional district judge for the district of  
8 Colorado;

9           (7) 1 additional district judge for the middle  
10 district of Florida;

11           (8) 1 additional district judge for the southern  
12 district of Indiana;

13           (9) 1 additional district judge for the eastern  
14 district of Kentucky;

15           (10) 1 additional district judge for the district  
16 of Nevada;

17           (11) 1 additional district judge for the district  
18 of New Mexico;

19           (12) 1 additional district judge for the northern  
20 district of New York;

21           (13) 1 additional district judge for the western  
22 district of New York;

23           (14) 1 additional district judge for the district  
24 of Oregon;

1           (15) 1 additional district judge for the western  
2       district of Texas;

3           (16) 1 additional district judge for the eastern  
4       district of Texas; and

5           (17) 1 additional district judge for the western  
6       district of Washington.

7 For the district of Arizona, the first 4 vacancies arising  
8 on the district court 7 years or more after judges are first  
9 confirmed to fill all 4 temporary district judgeships cre-  
10 ated in that district by this subsection shall not be filled.

11 For the central district of California, the first 2 vacancies  
12 arising on the district court 7 years or more after judges  
13 are first confirmed to fill both temporary district judge-  
14 ships created in that district by this subsection shall not  
15 be filled. For the southern district of California, the first  
16 3 vacancies arising on the district court 7 years or more  
17 after judges are first confirmed to fill all 3 temporary dis-  
18 trict judgeships created in that district by this subsection  
19 shall not be filled. For each of the other judicial districts  
20 named in this subsection, the first vacancy arising on the  
21 district court 7 years or more after a judge is first con-  
22 firmed to fill the temporary district judgeship created in  
23 that district by this subsection shall not be filled.

24       (c) EXISTING JUDGESHIPS.—

1           (1) The existing judgeships for the eastern dis-  
2       trict of California, the district of Hawaii, the central  
3       district of Illinois, the southern district of Illinois,  
4       the district of Nebraska, the northern district of  
5       New York, and the eastern district of Virginia au-  
6       thorized by section 203(c) of the Judicial Improve-  
7       ments Act of 1990 (Public Law 101–650, 104 Stat.  
8       5089) as amended by Public Law 105–53, as of the  
9       effective date of this Act, shall be authorized under  
10      section 133 of title 28, United States Code, and the  
11      incumbents in those offices shall hold the office  
12      under section 133 of title 28, United States Code,  
13      as amended by this Act.

14          (2) The existing judgeships for the northern  
15      district of Ohio authorized by section 203(c) of the  
16      Judicial Improvements Act of 1990 (Public Law  
17      101–650, 104 Stat. 5089) as amended by Public  
18      Law 105–53, as of the effective date of this Act,  
19      shall be extended. The first vacancy in the office of  
20      district judge in that district occurring 15 years or  
21      more after the confirmation date of the judge named  
22      to fill the temporary judgeship created by such sec-  
23      tion 203(c) shall not be filled.

24          (d) TABLES.—In order that the table contained in  
25      section 133 of title 28, United States Code, will, with re-

1 spect to each judicial district, reflect the changes in the  
 2 total number of permanent district judgeships authorized  
 3 as a result of subsections (a) and (c)(1) of this section,  
 4 such table is amended to read as follows:

<b>“Districts</b>	<b>Judges</b>
Alabama:	
Northern .....	8
Middle .....	4
Southern .....	3
Alaska .....	3
Arizona .....	12
Arkansas:	
Eastern .....	5
Western .....	3
California:	
Northern .....	15
Eastern .....	9
Central .....	27
Southern .....	13
Colorado .....	8
Connecticut .....	8
Delaware .....	4
District of Columbia .....	15
Florida:	
Northern .....	4
Middle .....	16
Southern .....	18
Georgia:	
Northern .....	11
Middle .....	4
Southern .....	3
Hawaii .....	4
Idaho .....	2
Illinois:	
Northern .....	22
Central .....	4
Southern .....	4
Indiana:	
Northern .....	5
Southern .....	5
Iowa:	
Northern .....	2
Southern .....	3
Kansas .....	5
Kentucky:	
Eastern .....	4
Western .....	4
Eastern and Western .....	1
Louisiana:	
Eastern .....	12

Middle .....	3
Western .....	7
Maine .....	3
Maryland .....	10
Massachusetts .....	13
Michigan:	
Eastern .....	15
Western .....	4
Minnesota .....	7
Mississippi:	
Northern .....	3
Southern .....	6
Missouri:	
Eastern .....	6
Western .....	5
Eastern and Western .....	2
Montana .....	3
Nebraska .....	4
Nevada .....	6
New Hampshire .....	3
New Jersey .....	17
New Mexico .....	7
New York:	
Northern .....	5
Southern .....	28
Eastern .....	18
Western .....	4
North Carolina:	
Eastern .....	4
Middle .....	4
Western .....	5
North Dakota .....	2
Ohio:	
Northern .....	11
Southern .....	8
Oklahoma:	
Northern .....	3
Eastern .....	1
Western .....	6
Northern, Eastern, and Western .....	1
Oregon .....	6
Pennsylvania:	
Eastern .....	22
Middle .....	6
Western .....	10
Puerto Rico .....	7
Rhode Island .....	3
South Carolina .....	10
South Dakota .....	3
Tennessee:	
Eastern .....	5
Middle .....	4
Western .....	5
Texas:	
Northern .....	12

Southern .....	20
Eastern .....	7
Western .....	13
Utah .....	5
Vermont .....	2
Virginia:	
Eastern .....	12
Western .....	4
Washington:	
Eastern .....	4
Western .....	7
West Virginia:	
Northern .....	3
Southern .....	5
Wisconsin:	
Eastern .....	4
Western .....	2
Wyoming .....	3.”.

1 **SEC. 4. ESTABLISHMENT OF ARTICLE III COURTS IN THE**  
2 **NORTHERN MARIANA ISLANDS AND THE VIR-**  
3 **GIN ISLANDS.**

4 (a) ESTABLISHMENT OF JUDICIAL DISTRICTS.—

5 (1) NORTHERN MARIANA ISLANDS.—Chapter 5  
6 of title 28, United States Code, is amended by in-  
7 serting after section 114 the following:

8 **“§ 114A. Northern Mariana Islands**

9 “The Northern Mariana Islands constitutes 1 judicial  
10 district. Court shall be held at Saipan.”.

11 (2) VIRGIN ISLANDS.—Chapter 5 of title 28,  
12 United States Code, is amended by inserting after  
13 section 126 the following:

14 **“§ 126A. Virgin Islands**

15 “The Virgin Islands constitutes 1 judicial district com-  
16 prising 2 divisions.

1 “(1) The Saint Croix Division comprises the Island of  
2 Saint Croix and adjacent islands and cays.

3 “Court for the Saint Croix Division shall be held at  
4 Christiansted.

5 “(2) The Saint Thomas and Saint John Division com-  
6 prises the Islands of Saint Thomas and Saint John  
7 and adjacent islands and cays.

8 “Court for the Saint Thomas and Saint John Division  
9 shall be held at Charlotte-Amalie.”.

10 (3) TECHNICAL AND CONFORMING AMEND-  
11 MENT.—The table of contents for chapter 5 of title  
12 28, United States Code, is amended—

13 (A) by inserting after the item relating to  
14 section 114 the following:

“114A. Northern Mariana Islands.”;

15 and

16 (B) by inserting after the item relating to  
17 section 126 the following:

“126A. Virgin Islands.”.

18 (b) COMPOSITION OF NINTH CIRCUIT.—Section 41  
19 of title 28, United States Code, is amended in the matter  
20 relating to the ninth circuit by inserting “, Northern Mar-  
21 iana Islands” after “Hawaii”.

22 (c) NUMBER OF JUDGES.—Section 133(a) of title 28,  
23 United States Code, is amended—

1 (1) by inserting after the item relating to North  
 2 Dakota the following:

“Northern Mariana Islands ..... 1”;

3 and

4 (2) by inserting after the item relating to  
 5 Vermont the following:

“Virgin Islands ..... 2”.

6 (d) BANKRUPTCY JUDGES.—Section 152(a)(2) of  
 7 title 28, United States Code, is amended—

8 (1) by inserting after the item relating to North  
 9 Dakota the following:

“Northern Mariana Islands ..... 0”;

10 and

11 (2) by inserting after the item relating to  
 12 Vermont the following:

“Virgin Islands ..... 0”.

13 (e) ASSIGNMENT OF JUDGES.—

14 (1) IN GENERAL.—Chapter 13 of title 28,  
 15 United States Code, is amended by adding after sec-  
 16 tion 297 the following:

17 **“§ 298. Assignment to the United States District**  
 18 **Court for the Northern Mariana Islands**

19 “In addition to the judges authorized to be des-  
 20 ignated by sections 291 and 292, the Chief Judge of the  
 21 United States Court of Appeals for the Ninth Circuit may  
 22 assign judges of courts of record of the Northern Mariana

1 Islands or Guam, including a judge of the District Court  
 2 of Guam who is appointed by the President or a recalled  
 3 senior judge of the District Court of Guam, to serve tem-  
 4 porarily as a judge in the United States District Court  
 5 for the Northern Mariana Islands whenever such an as-  
 6 signment is necessary for the proper dispatch of the busi-  
 7 ness of the court. The judges assigned under this section  
 8 shall have the powers of a magistrate judge.”.

9 (2) TECHNICAL AND CONFORMING AMEND-  
 10 MENT.—The table of sections for chapter 13 of title  
 11 28, United States Code, is amended by adding after  
 12 the item relating to section 297 the following:

“298. Assignment to the United States District Court for the Northern Mariana  
 Islands.”.

13 (f) JUDICIAL CONFERENCES OF CIRCUITS.—Section  
 14 333 of title 28, United States Code, is amended in the  
 15 third sentence of the first undesignated paragraph by  
 16 striking “, the District Court of the Virgin Islands, and  
 17 the District Court of the Northern Mariana Islands may  
 18 also be summoned biennially, and may be summoned an-  
 19 nually, to the conferences of their respective circuits” and  
 20 inserting “may also be summoned biennially, and may be  
 21 summoned annually, to the conference of the ninth cir-  
 22 cuit”.

23 (g) JUDGES IN TERRITORIES AND POSSESSIONS.—  
 24 Section 373 of title 28, United States Code, is amended—

1 (1) in subsection (a) by striking “, the District  
 2 Court of the Northern Mariana Islands, or the Dis-  
 3 trict Court of the Virgin Islands”; and

4 (2) in subsection (e) by striking “, the District  
 5 Court of the Northern Mariana Islands, or the Dis-  
 6 trict Court of the Virgin Islands”.

7 (h) ANNUITIES FOR SURVIVORS OF CERTAIN JUDI-  
 8 CIAL OFFICIALS OF THE UNITED STATES.—Section  
 9 376(a) of title 28, United States Code, is amended—

10 (1) in paragraph (1)(B) by striking “, the Dis-  
 11 trict Court of the Northern Mariana Islands, or the  
 12 District Court of the Virgin Islands”; and

13 (2) in paragraph (2)(B) by striking “, the Dis-  
 14 trict Court of the Northern Mariana Islands, or the  
 15 District Court of the Virgin Islands,”.

16 (i) AUTHORITY OF ATTORNEY GENERAL.—Section  
 17 526(a)(2) of title 28, United States Code, is amended by  
 18 striking “and of the district court of the Virgin Islands”.

19 (j) COURTS DEFINED.—Section 610 of title 28,  
 20 United States Code, is amended—

21 (1) by striking “the United States District  
 22 Court for the District of the Canal Zone,”; and

23 (2) by striking “the District Court of the Virgin  
 24 Islands,”.

1 (k) UNITED STATES MAGISTRATE JUDGES.—Section  
2 631 of title 28, United States Code, is amended—

3 (1) in subsection (a)—

4 (A) by striking “and the district court of  
5 the Virgin Islands” in the first sentence; and

6 (B) by striking the second sentence; and

7 (2) in subsection (b)(1) by inserting “the Com-  
8 monwealth of the Northern Mariana Islands,” after  
9 “Puerto Rico,”.

10 (l) COURT REPORTERS.—Section 753(a) of title 28,  
11 United States Code, is amended by striking “, the United  
12 States District Court for the District of the Canal Zone,  
13 the District Court of Guam, and the District Court of the  
14 Virgin Islands” and inserting “and the District Court of  
15 Guam”.

16 (m) FINAL DECISIONS OF DISTRICT COURTS.—Sec-  
17 tion 1291 of title 28, United States Code, is amended by  
18 striking “, the United States District Court for the Dis-  
19 trict of the Canal Zone, the District Court of Guam, and  
20 the District Court of the Virgin Islands,” and inserting  
21 “and the District Court of Guam,”.

22 (n) INTERLOCUTORY DECISIONS.—Section 1292 of  
23 title 28, United States Code, is amended—

24 (1) in subsection (a) by striking “, the United  
25 States District Court for the District of the Canal

1       Zone, the District Court of Guam, and the District  
 2       Court of the Virgin Islands,” and inserting “and the  
 3       District Court of Guam,”; and

4           (2) in subsection (d)(4) by striking “, the Dis-  
 5       trict Court of Guam, the District Court of the Vir-  
 6       gin Islands, or the District Court for the Northern  
 7       Mariana Islands,” and inserting “or the District  
 8       Court of Guam”.

9       (o) JURISDICTION OF THE UNITED STATES COURT  
 10      OF APPEALS FOR THE FEDERAL CIRCUIT.—Section  
 11      1295(a) of title 28, United States Code, is amended in  
 12      paragraphs (1) and (2) by striking “, the United States  
 13      District Court for the District of the Canal Zone, the Dis-  
 14      trict Court of Guam, or the District Court for the North-  
 15      ern Mariana Islands” and inserting “or the District Court  
 16      of Guam”.

17      (p) DIVERSITY JURISDICTION.—Section 1332(d) of  
 18      title 28, United States Code, is amended by striking “and  
 19      the Commonwealth of Puerto Rico” and inserting “the  
 20      Commonwealth of Puerto Rico, and the Commonwealth of  
 21      the Northern Mariana Islands”.

22      (q) UNITED STATES AS DEFENDANT.—Section  
 23      1346(b) of title 28, United States Code, is amended by  
 24      striking “, together with the United States District Court

1 for the District of the Canal Zone and the District Court  
2 of the Virgin Islands,”.

3 (r) CIVIL COMMITMENT.—Section 2901(e) of title 28,  
4 United States Code, is amended by striking “the Canal  
5 Zone, or the Commonwealth of Puerto Rico”, and insert-  
6 ing “the Commonwealth of Puerto Rico, or the Common-  
7 wealth of the Northern Mariana Islands”.

8 (s) ADEQUATE REPRESENTATION OF DEFEND-  
9 ANTS.—Section 3006A(j) of title 18, United States Code,  
10 is amended by striking “, the District Court of the Virgin  
11 Islands, the District Court for the Northern Mariana Is-  
12 lands,”.

13 (t) SAVINGS PROVISIONS.—

14 (1) TENURE OF INCUMBENT JUDGES.—A judge  
15 of the District Court for the Northern Mariana Is-  
16 lands or of the District Court of the Virgin Islands  
17 in office on the effective date of this section shall  
18 continue in office until the expiration of the term for  
19 which the judge was appointed, or until the judge  
20 dies, resigns, or is removed from office, whichever  
21 occurs first. When a vacancy occurs on the court on  
22 or after the effective date of this section, the Presi-  
23 dent, in accordance with sections 133(a) and 134(a)  
24 of title 28, United States Code, shall appoint, by

1 and with the advice and consent of the Senate, a  
 2 judge who shall hold office during good behavior.

3 (2) RETIREMENT RIGHTS AND BENEFITS.—The  
 4 amendments made by this section shall not affect  
 5 the rights under sections 373 and 376 of title 28,  
 6 United States Code, of any judge of the District  
 7 Court for the Northern Mariana Islands or the Dis-  
 8 trict Court of the Virgin Islands who retires on or  
 9 before the effective date of this section or who con-  
 10 tinues in office after that date under paragraph (1)  
 11 or this subsection. Service as a judge of the District  
 12 Court for the Northern Mariana Islands appointed  
 13 under the first section of the Act of November 8,  
 14 1977 (Public Law 95–157, 91 Stat. 1265; 48 U.S.C.  
 15 1821) or judge of the District Court of the Virgin  
 16 Islands appointed under section 24 of the Revised  
 17 Organic Act of the Virgin Islands (48 U.S.C. 1614)  
 18 shall be included in calculating service under sec-  
 19 tions 371 and 372 of title 28, United States Code,  
 20 and shall not be counted for purposes of section 373  
 21 of that title, if the judge is reappointed to hold office  
 22 during good behavior after the effective date of this  
 23 section.

24 (u) AMENDMENTS TO ACT TO CREATE THE DIS-  
 25 TRICT COURT OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—The Act of November 8, 1977 (Public Law 95–157; 91 Stat. 1265) is amended—

(A) in section 4(a) (48 U.S.C. 1824(a))—

(i) by striking “(a)”;

(ii) by striking “, except as otherwise provided in article IV of the covenant”;

(iii) by striking all beginning with “, unless those cases are reviewable in the District Court for the Northern Mariana Islands” through the period and inserting a period; and

(iv) by striking subsection (b); and

(B) by striking—

(i) the first section (48 U.S.C. 1821);

(ii) section 2 (48 U.S.C. 1822);

(iii) section 3 (48 U.S.C. 1823);

(iv) section 5 (48 U.S.C. 1825); and

(v) section 6 (48 U.S.C. 1826).

(2) SUPERSEDING PROVISIONS.—To the extent that the amendments made by this subsection are inconsistent with article IV of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of

1       America (48 U.S.C. 1801 note), article IV is super-  
 2       seded.

3       (v) AMENDMENTS TO REVISED ORGANIC ACT OF THE  
 4       VIRGIN ISLANDS.—

5               (1) REPEALS.—Sections 24, 25, 26, and 27 of  
 6       the Revised Organic Act of the Virgin Islands (48  
 7       U.S.C. 1614, 1615, 1616, and 1617) are repealed.

8               (2) RIGHTS AND PROHIBITIONS.—Section 3 of  
 9       the Revised Organic Act of the Virgin Islands (48  
 10       U.S.C. 1561) is amended in the 23d undesignated  
 11       paragraph—

12                       (A) by inserting “article III;” after “sec-  
 13                       tion 9, clauses 2 and 3;” and

14                       (B) by striking “That all offenses against  
 15                       the laws of the United States and the laws of  
 16                       the Virgin Islands which are prosecuted in the  
 17                       district court pursuant to sections 1612(a) and  
 18                       (c) of this title may be had by indictment by  
 19                       grand jury or by information, and that all of-  
 20                       fenses against the laws of the Virgin Islands  
 21                       which are prosecuted in the district court pur-  
 22                       suant to section 1612(b) of this title or” and  
 23                       inserting “That all offenses against the laws of  
 24                       the Virgin Islands which are prosecuted”.

1           (3) JURISDICTION.—Section 21 of the Revised  
 2           Organic Act of the Virgin Islands (48 U.S.C. 1611)  
 3           is amended to read as follows:

4   **“SEC. 21. JURISDICTION OF THE COURTS OF THE VIRGIN**  
 5                   **ISLANDS.**

6           “(a) JURISDICTION OF THE COURTS OF THE VIRGIN  
 7   ISLANDS.—The judicial power of the Virgin Islands shall  
 8   be vested in such trial and appellate courts as may have  
 9   been or may hereafter be established by local law. The  
 10   local courts of the Virgin Islands shall have jurisdiction  
 11   over all causes of action in the Virgin Islands over which  
 12   any court established by the Constitution and laws of the  
 13   United States does not have exclusive jurisdiction.

14          “(b) PRACTICE AND PROCEDURE.—The rules gov-  
 15   erning the practice and procedure of the courts established  
 16   by local law and those prescribing the qualifications and  
 17   duties of the judges and officers thereof, oaths and bonds,  
 18   and the times and places of holding court shall be gov-  
 19   erned by local law or the rules promulgated by those  
 20   courts.”.

21           (4) INCOME TAX MATTERS.—Section 22 of the  
 22           Revised Organic Act of the Virgin Islands (48  
 23           U.S.C. 1612) is amended to read as follows:

1 **“SEC. 22. JURISDICTION OVER INCOME TAX MATTERS.**

2       The United States District Court for the District of  
 3 the Virgin Islands shall have exclusive jurisdiction over all  
 4 criminal and civil proceedings in the Virgin Islands with  
 5 respect to the income tax laws applicable to the Virgin  
 6 Islands, except the ancillary laws relating to the income  
 7 tax enacted by the legislature of the Virgin Islands. Any  
 8 act or failure to act with respect to the income tax laws  
 9 applicable to the Virgin Islands which would constitute a  
 10 criminal offense described in chapter 75 of subtitle F of  
 11 the Internal Revenue Code of 1986 shall constitute an of-  
 12 fense against the Government of the Virgin Islands and  
 13 may be prosecuted in the name of the Government of the  
 14 Virgin Islands by the appropriate officers thereof in the  
 15 United States District Court for the District of the Virgin  
 16 Islands without the request or consent of the United  
 17 States Attorney for the Virgin Islands.”.

18               (5) APPELLATE JURISDICTION.—Section 23A of  
 19 the Revised Organic Act of the Virgin Islands (48  
 20 U.S.C. 1613a) is amended—

21               (A) by striking “District Court of the Vir-  
 22 gin Islands” each place it appears and inserting  
 23 “United States District Court for the District  
 24 of the Virgin Islands”; and

25               (B) in subsection (b) by striking “pursuant  
 26 to section 24(a) of this title: *Provided*, That no

1 more than one of them may be a judge of a  
 2 court established by local law.” and inserting  
 3 “pursuant to chapter 13 of title 28, United  
 4 States Code, or a recalled senior judge of the  
 5 former District Court of the Virgin Islands.  
 6 The chief judge of the United States Court of  
 7 Appeals for the Third Circuit may assign to the  
 8 appellate division a judge of a court of record  
 9 of the Virgin Islands, except that no more than  
 10 1 of the judges sitting in the appellate division  
 11 at any session may be a judge of a court estab-  
 12 lished by local law.”.

13 (w) ADDITIONAL REFERENCES.—Any reference in  
 14 any provision of law to the “District Court for the North-  
 15 ern Mariana Islands” shall, after the effective date of this  
 16 section, be deemed to be a reference to the United States  
 17 District Court for the District of the Northern Mariana  
 18 Islands. Any reference in any provision of law to the “Dis-  
 19 trict Court of the Virgin Islands” shall, after the effective  
 20 date of this section, be deemed to be a reference to the  
 21 United States District Court for the District of the Virgin  
 22 Islands.

23 (x) EFFECTIVE DATE.—This section and the amend-  
 24 ments made by this section shall take effect at the end  
 25 of the 90-day period beginning on the date of enactment.

1 Any complaint or proceeding pending in the District Court  
2 of the Virgin Islands on the effective date of this section  
3 may be pursued to final determination in the United  
4 States District Court for the District of the Virgin Is-  
5 lands, the United States Court of Appeals for the Third  
6 Circuit, the United States Court of Appeals for the Fed-  
7 eral Circuit, and the Supreme Court of the United States.  
8 Any complaint or proceeding pending in the District Court  
9 for the Northern Mariana Islands on the effective date of  
10 this section may be pursued to final determination in the  
11 United States District Court for the District of the North-  
12 ern Mariana Islands, the United States Court of Appeals  
13 for the Ninth Circuit, and the Supreme Court of the  
14 United States.

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums  
17 as may be necessary to carry out the provisions of this  
18 Act, including such sums as may be necessary to provide  
19 appropriate space and facilities for the judicial positions  
20 created by this Act.

21 **SEC. 6. EFFECTIVE DATE.**

22 Except as provided under section 4(x), this Act shall  
23 take effect on the date of enactment of this Act.

○